

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

: 22 Cr. 101-1 (JMF)

-against-

: ORDER

:

David Vieser

:

Defendant

:

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JESSE M. FURMAN, United States District Judge:

It is hereby ORDERED that the defendant, David Vieser [REDACTED]

[REDACTED], shall participate in residential
treatment at the Addiction Institute of Mount Sinai for no less
than 28 days.

Dated: New York, New York
May 17, 2022

SO ORDERED:



JESSE M. FURMAN
United States District Judge



VIOLATION MEMORANDUM

To: Honorable Jesse M. Furman
U.S. District Judge

From: Jonathan Lettieri
Intensive Supervision Specialist

Re: David Vieser
22 Cr. 101-1 (JMF)

Date: May 16, 2022

This memorandum serves to provide the Court with information as to the defendant's recent non-compliance with pretrial supervision, specifically as it relates to his use of drugs.

BACKGROUND:

The defendant was arrested on December 16, 2022, in connection with a two-count complaint charging him with possession and distribution of child pornography. On that same date, he appeared for initial presentment before U.S. Magistrate Judge James L. Cott, who ordered the defendant's pretrial release under the following agreed-upon conditions: 1) a \$75,000 personal recognizance bond, to be co-signed by one financially responsible person; 2) travel restricted to the Southern/Eastern Districts of New York; 3) surrender travel documents and make no new applications; 4) pretrial supervision as directed by Pretrial Services; 5) mental health evaluation/treatment as directed by Pretrial Services; 6) stand-alone GPS monitoring; 7) not to possess a firearm, destructive device, or other dangerous weapon; 8) no electronic devices with internet access except a phone or a computer with monitoring software to be installed by Pretrial Services; 9) not to possess, subscribe to, or view any media depicting children in the nude and/or sexually explicit positions; 10) no unsupervised contact with minor children unless in the presence of another adult; 11) refrain from loitering near schoolyards, playgrounds, or other places frequented by minors; 12) refrain from using any electronic equipment including but not limited to cell phones and video or still cameras to record, store, or view images or photos of minors; and 13) avoid all contact with alleged victims and potential devices as identified by the Government.

On February 15, 2022, the matter was assigned to Your Honor following the filing of an indictment charging the defendant with the same offenses.

The next conference is set for June 2, 2022, before Your Honor.

NON-COMPLIANCE:

The defendant has struggled with the abuse of crystal methamphetamine. He has been attending intensive outpatient treatment with the Addiction Institute of Mount Sinai West since his release. He additionally participated in residential treatment at the same facility from March 28 to April 8, 2022—though the treatment was cut short because of medical issues. Despite these treatment efforts, the defendant has continued to use crystal methamphetamine, evidenced by drug test results and his admission. The defendant has not yet submitted a negative test and has indicated he has not had any sustained period of sobriety during pretrial release. Pretrial Services and the defendant agree he would be best served by returning to residential treatment with Mount Sinai. The program has bed space available, and the defendant is willing to enroll as early as tomorrow, May 17, 2022. Insurance generally pays for between 14 and 21 days of residential treatment. However, a court order can assure coverage for the full 28-day program.

The defendant has otherwise complied with his conditions of pretrial release.

RECOMMENDATION:

Pretrial Services respectfully recommends the Court require the defendant to participate in residential substance abuse treatment at the Addiction Institute of Mount Sinai for no less than 28 days. Assistant U.S. Attorney Matthew Weinberg and Assistant Federal Defender Hannah McCrea have no objection to the request. A proposed order is attached for the Court's consideration. If granted, Pretrial Services respectfully requests the defendant's personal information be redacted before the order is docketed.

Respectfully submitted,

Scott Kowal
Chief U.S. Pretrial Services Officer

/s/
Jonathan Lettieri
Intensive Supervision Specialist

Reviewed by:

/s/
John Moscato
Supervisory U.S. Pretrial Services Officer

CC: Matthew Weinberg, Assistant U.S. Attorney
Hannah McCrea, Assistant Federal Defender